IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 12546 of 1997

Between:

1. Komati Lalayya, S/o. Saravaiah,
   R/o. Doramamidi Village, Buttayagudem Mandal,
   W.G.District.
2. Komati Lalamma, W/o. Saravaiah,
   R/o. Doramamidi Village, Buttayagudem Mandal,
   W.G.District.
3. Komati Venkateswara Rao, S/o. Saravaiah,
   R/o. Doramamidi Village, Buttayagudem Mandal,
   W.G.District.

.... PETITIONERS

AND

1. The Collector, West Godavari District at Eluru.
2. The Mandal Revenue officer, Buttayagudem Mandal,
   W.G.District.
3. The Village Administrative Officer, Doramamidi Village,
   Buttayagudem Mandal, W.G.District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus and declare the action of the respondents as illegal, arbitrary and without having any jurisdiction in interfering the possession and enjoyment of Petitioner's land in R.S.No. 479/1, Hectors 2.53, R.S.no. 175, 176/1 Hectors 2.82,1.42, R.s.No173,177and R.S.No479/2,Hectors 2.62, 3.43 and hectors 2.65 and R.S.No. 174 hectors 4.11 situated at Doramamidi Village, Buttayagudem Mandal, West

Godavari District.

Counsel for the Petitioner: MR.K.V.N.BHUPAL

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

O R D E R:

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The present Writ Petition is filed to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus and declare the action of the respondents as illegal, arbitrary and without having any jurisdiction in interfering with the possession and enjoyment of petitioners' land in R.S.No.479/1, Hectors 2.53, R.S.No.175, 176/1 Hectors 2.82, 1.42, R.S.No.173, 177 and R.S.No.479/2, Hectors 2.62, 3.43 and Hectors 2.65 and R.S.No.174 hectors 4.11 situated at Doramamidi village, Buttayagudem Mandal, West Godavari District and to pass such other suitable orders.

2. In the counter-affidavit at para 4, it is stated that it is not true to say that the petitioners are dispossessed and the lands handed over to the tribals and non-tribals of Doramamidi village. It is further averred that due to recent land problems between tribals and non-tribal and as per instructions of the Government, the lands in question were also surveyed and verified the ownership of the lands as per records produced by the petitioners. It is further stated that, at present, the petitioners are in possession and enjoying the lands in question. The petitioners obtained the ryotwari pattas to the schedule property from the Settlement Athorities concerned as follows:

Name of the petitioners R.S.No. Extent Order of the Settlement

Court, Eluru.

1. Komati Lalaiah 175 Hec.2.82 S.R.No.324/75 11 (a)

176/1 Hec.1.42 Dt.30.5.1986

2. Komati Lalamma 173 Hec.2.62 S.R.No.321/75 11 (a)

177 Hec.3.43 Dt.30.5.1986

479/2 Hec.2.65

3. Komati Venkateswara 174 Hec.4.11 S.R.No.11(a) 322/75,

Rao Dt.30.5.1986

4. Komati Paddamma 479/1 Hec.4.11 S.R.No.11(a) 385/75,

Dt.30.5.1986

Total Hec.19.58

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========== It is further stated that the Writ Petition was filed just on mere apprehension.

3. In the light of the stand taken by the respondents in the counter-affidavit, no further orders need be passed in this Writ Petition and the Writ Petition is accordingly disposed of. No order as to costs.

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Dated:22-12-2004. **P.S. NARAYANA, J**

Ccm

To

1. The Collector, West Godavari District at Eluru.
2. The Mandal Revenue officer, Buttayagudem Mandal, W.G.District.
3. The Village Administrative Officer, Doramamidi Village, Buttayagudem Mandal, W.G.District.

4. 2 CCs to GP for Revenue,. High Court Buildings, Hyderabad (OUT)

5. 2 CD copies.